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10/787,173	02/27/2004	Robert J. Lowles	PAT 53955-2 US	4903

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EXAMINER

MARSH, OLIVIA MARIE

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/787,173

Applicant(s)

LOWLES, ROBERT J.

Examiner

Olivia Marsh

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/17/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages, filed October 17th, 2006, with respect to the rejection(s) of claim(s) 1-9 and 11-20 under 102(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Christal (DE 10134830 A1) in further view of Kim (KR 2002041098A). Please review below rejection for full explanation.

2. Applicant's arguments filed October 17th, 2006, concerning claims 21-22, have been fully considered but they are not persuasive.

Regarding **claim 21**, In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., charging port of a mobile device used for recharging a peripheral device) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The charging contacts for the headset of Christal provide a charge to the headset when placed the holster (paragraph 31). When charging, the headset is in direct electrical contact with the mobile device (paragraphs 31, 33). Therefore, the Examiner will maintain the rejection.

3. Arguments regarding depending claim 10 have been considered and are considered not persuasive in light of the above evidence and rebuttal applied to parent claim 1.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. **Claims 1-9 and 11-22 are rejected under 35 U.S.C. 102(a) as being anticipated by Christal (DE 10134830 A1).**

As to **claim 21**, Christal discloses:

A peripheral device **(3)** for wireless communication with a mobile device **(2)** (FIG 2C), the peripheral device including:

a battery for receiving and storing a charge (paragraph 30; FIG 1C, 2B, 2C); and

a charging contact for providing a charge to the battery when placed in direct electrical contact with a charging port of a mobile device (paragraph 30; FIG 1C, 2B, 2C).

As to **claim 22**, Christal discloses everything as applied in claims 1 and 21 and Christal also discloses:

the mobile device is a cellular phone and the peripheral device is a wireless headset for interaction with the mobile phone (FIG 2A; paragraphs 32-33).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-9 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Christal (DE 10134830 A1) in further view of Kim (KR 2002041098A).**

As to **claim 1**, Christal discloses:

A holster (**FIG 2A, 11, 8**) for receiving and retaining a mobile device (**2**) in a sleeve (**9, 8**) and a peripheral device (**3**), the holster comprising:

a mating structure (**2B, 2C**) for releasably retaining the peripheral device in direct (**19**) electrical contact with the mobile device retained in the sleeve (**paragraphs 10, 28, and 32-33**),

the holster being capable of accommodating the charging contact extending from the peripheral device (**FIG 2B, 2C; paragraphs 32-33**).

Christal also discloses the charging contacts for the headset provides a charge to the headset when placed the holster (paragraph 31). Christal also discloses when charging, the headset is in direct electrical contact with the mobile device (paragraphs 31, 33). However, Christal fails to disclose to permit the mobile device to charge a battery in the peripheral device through a charging contact extending from the peripheral device. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Kim.

In an analogous art, Kim discloses an apparatus and a method to charge a battery of a wireless headset by a battery of a portable phone without using a charger of the headset

Art Unit: 2617

(purpose – human translation, paragraph 1). Kim also discloses the cordless headset battery (40) can be charge through the connector (30) with the cellular-phone battery part (20) (paragraph 14, Fig 2). Kim also discloses the connector (30) attaches the cellular phone and cordless headset (paragraph 14, FIG 2), reading on claimed “to permit the mobile device to charge a battery in the peripheral device through a charging contact extending from the peripheral device.”

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the holster, mobile device, and peripheral device, all disclosed by Christal, to permit the mobile device to charge a battery in the peripheral device through a charging contact extending from the peripheral device, as taught by Kim, to enable the peripheral device to be charged when accompanied with a mobile device.

As to **claim 11**, , Christal discloses:

A holster (**FIG 2A, 11, 8**) for receiving and retaining both a peripheral device (**3**) and a mobile device (**2**), the mobile device being retained in a sleeve (**9, 8**), the holster comprising:

a mating structure (**2B, 2C**) for releasably retaining the peripheral device in direct (**19**) electrical contract with the mobile device when retained in the sleeve (**paragraphs 10, 28, and 32-33**).

Christal also discloses the charging contacts for the headset provides a charge to the headset when placed the holster (paragraph 31). Christal also discloses when charging, the headset is in direct electrical contact with the mobile device (paragraphs 31, 33). However, Christal fails to disclose to permit the mobile device to charge a battery in the peripheral device. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Kim.

Kim discloses an apparatus and a method to charge a battery of a wireless headset by a battery of a portable phone without using a charger of the headset (purpose – human translation, paragraph 1). Kim also discloses the cordless headset battery (40) can be charge through the connector (30) with the cellular-phone battery part (20) (paragraph 14, Fig 2). Kim also discloses the connector (30) attaches the cellular phone and cordless headset (paragraph 14, FIG 2), reading on claimed “to permit the mobile device to charge a battery in the peripheral device.”

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the holster, mobile device, and peripheral device, all disclosed by Christal, to permit the mobile device to charge a battery in the peripheral device through a charging contact extending from the peripheral device, as taught by Kim, to enable the peripheral device to be charged when accompanied with a mobile device.

As to **claim 12**, Christal discloses:

A system (**FIG 1A, 2A**) for mobile communications comprising:

a mobile device (**2**) for connecting to a network and providing voice services having a charging port (**FIG 2C, paragraph 29**);

a peripheral device (**3**) for wireless communication with the mobile device, the peripheral device having both a battery and a charging contact (**paragraph 30**); and

a holster (**11,8**) for receiving and retaining both the peripheral device and the mobile device so that the charging port and charging contact are in direct electrical contact (**FIG 1A, 2A, 2C; paragraphs 28, and 32-33**).

Christal also discloses the charging contacts for the headset provides a charge to the headset when placed the holster (paragraph 31). Christal also discloses when charging, the

Art Unit: 2617

headset is in direct electrical contact with the mobile device (paragraphs 31, 33). However, Christal fails to disclose to allow the mobile device to charge the battery in the peripheral device. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Kim.

Kim discloses an apparatus and a method to charge a battery of a wireless headset by a battery of a portable phone without using a charger of the headset (purpose – human translation, paragraph 1). Kim also discloses the cordless headset battery (40) can be charge through the connector (30) with the cellular-phone battery part (20) (paragraph 14, Fig 2). Kim also discloses the connector (30) attaches the cellular phone and cordless headset (paragraph 14, FIG 2), reading on claimed “to permit the mobile device to charge the battery in the peripheral device.”

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the system, disclosed by Christal, to permit the mobile device to charge a battery in the peripheral device through a charging contact extending from the peripheral device, as taught by Kim, to enable the peripheral device to be charged when accompanied with a mobile device.

As to **claim 2**, Christal and Kim teach everything as applied in claim 1 and Christal also discloses:

the holster mating structure connects with the peripheral device mating structure to releasably retain the peripheral device so that a charging port of the mobile device is in electrical contact with the charging contact extending from the peripheral device to allow the mobile device to charge the battery in the peripheral device (**FIG. 2A-2C**).

As to **claim 3**, Christal and Kim teach everything as applied in claims 1-2 and Christal also discloses:

Art Unit: 2617

the charging port is in direct electrical contact with the charging contact (**FIG. 2B-2C**).

As to **claim 4**, Christal and Kim teach everything as applied in claims 1-2 and Christal also discloses:

the charging port is in electrical contact with the charging contact through an electrical connector housed in the holster (**FIG. 2B-2C**).

As to **claims 5 and 17**, Christal and Kim teach everything as applied in claims 1 and 12 and Christal also discloses:

the electrical connector includes a controller for regulating charging (**paragraphs 28, 32-33**).

As to **claim 6**, Christal and Kim teach everything as applied in claims 1-2 and Christal also discloses:

a base for supporting the mobile device in the sleeve, the base having a aperture for receiving the charging contact and allowing it to make electrical contact with the charging port (**FIG 1A, 2A**).

As to **claim 7**, Christal and Kim teach everything as applied in claim 1 and Christal also discloses:

the holster mating structure is selected from the group consisting of a retaining bracket, a magnet, a tab, a latch, a flange, a hook, a clamp, a friction fit, and a tongue and groove (**FIG. 1A, 2A**).

As to **claim 8**, Christal and Kim teach everything as applied in claim 1 and Christal also discloses:

the mobile device is a cellular phone and the peripheral device is a wireless headset for interaction with the mobile phone (**FIG 2A; paragraphs 32-33**).

As to **claim 9**, Christal and Kim teach everything as applied in claim 1 and Christal also discloses:

the mobile device communicates with peripheral device on a Bluetooth communication channel (**paragraph 30**).

As to **claim 13**, Christal and Kim teach everything as applied in claim 12 and Christal also discloses:

the holster includes a sleeve for releasably retaining the mobile device (**FIG 1A**).

As to **claim 14**, Christal and Kim teach everything as applied in claim 12 and Christal also discloses:

the holster includes a mating structure for electrically connecting the charging contact and the charging port when both the mobile device and the peripheral device are retained in the holster (**FIG. 2B-2C**).

As to **claim 15**, Christal and Kim teach everything as applied in claims 12 and 14 and Christal also discloses:

the mating structure holds the charging contact and charging port in direct electrical contact (**FIG. 2B-2C**).

As to **claim 16**, Christal and Kim teach everything as applied in claims 12 and 14 and Christal also discloses:

the charging port is in electrical contact with the charging contact through an electrical connector housed in the mating structure (**FIG. 2C**).

As to **claim 18**, Christal and Kim teach everything as applied in claims 12-13 and Christal also discloses:

the holster further includes a base for supporting the mobile device in the sleeve, the base having an aperture for receiving the charging contact and the allowing it to make electrical contact with the charging port (FIG 1A, 2A).

As to **claim 19**, Christal and Kim teach everything as applied in claims 12 and 14 and Christal also discloses:

the mating structure is selected from the group consisting of a retaining bracket, a magnet, a tab, a latch, a flange, a hook, a clamp, a friction fit, and a tongue and groove (FIG. 1A, 2A).

As to **claim 20**, Christal and Kim teach everything as applied in claim 1 and Christal also discloses:

the mobile device is a cellular phone and the peripheral device is selected from a group including a wireless headset for interaction with the cellular phone, a wireless headset for interaction with the cellular phone over a Bluetooth communication channel, and a camera for interaction with the mobile phone (FIG 1A, 2A).

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Christal and Kim as applied to claim 1 above, and further in view of Grivas et al (U.S. 2004/0116161 A1).

As to **claim 10**, Christal and Kim everything as applied in claim 1; however, neither Christal nor Kim teaches the peripheral device is a camera for interaction with the mobile device. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Grivas.

In an analogous art, Grivas teaches an accessory 111, such as a camera, coupled to and may be powered from the wireless communication unit's battery (paragraph 12; Figure 1).

Art Unit: 2617

Grivas also teaches the controller may also be coupled via a port 224, such as a USB, serial, parallel, or the like port, to an accessory device as well as accessory power supply 225 that is powered from the battery 211 where the controller again controls whether current is provided or when current into the supply is interrupted (paragraph 17), reading on claimed "the peripheral device is a camera for interaction with the mobile device."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the holster, mobile device, and peripheral device, taught by Christal and Kim, the peripheral device is a camera for interaction with the mobile device, as taught by Grivas, in order for the mobile user to utilize a camera without undue battery consumption of the mobile device while still providing operating power to the camera for appropriate system performance.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olivia Marsh whose telephone number is 571-272-7912. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Ch Appiah', is positioned above the printed name.

**CHARLES APPIAH
PRIMARY EXAMINER**